EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

(2)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

NO. _____

SUPREME COURT OF THE UNITED STATES

IN THE PETITION OF SALVATORE MORETTI

PETITION FOR WRIT OF PROHIBITION

SALVATORE MORETTI,
Petitioner
-v-
LOUIS J. DINICE
Respondent

SUPPLEMENTARY APPENDIX

Salvatore Moretti
390 Park Street
Hackensack, New Jersey 07601

SUPPLEMENTARY APPENDIX
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PETITION FOR WRIT OF PROHIBITION
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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
AREA CODE 202-479-3011
CLERK OF THE COURT

October 10, 1996

Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

RE: Salvatore Moretti v. Louis J. Dinice

Dear Mr. Moretti:

Returned is your submission received in this office on August 26, 1996.

In order for this case to be docketed, you must submit a supplemental appendix containing the orders issued by the United States District Court. The supplemental appendix must be on 6 1/8 by 9 1/4 inch paper. The covers of the supplemental appendix must be white, and contain the same information as the petition, clearly noting that it is a supplemental appendix, under the title of the paper. Rules 33 and 34.1(f).

Unless the supplemental appendix is received by this office in correct form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

Sincerely,
William K. Suter, Clerk
By Ruth Jones, (202) 479-3022
Enclosures

App. 2

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201)646-1414

August 24, 1996

Clerk of the Court
United States Supreme Court
1 First Street, N. E.
Washington, D. C. 20543

re: IN THE PETITION OF SALVATORE MORETTI; PETITION FOR WRIT OF PROHIBITION MORETTI v. LOUIS J. DINICE, U. S. Court of Appeals for The Third Circuit 95-5754., Case No.

Dear Clerk of the Court:

On August 22, 1996 I hand delivered forty petitions for writ of prohibition to the United States Supreme Court in Washington, D. C. and paid my docketing fee of $300.00 to be placed on the paid docket.

The question asked me at that time was where is the federal district court order appealed from, based on the fact that the federal court of appeals order shown at A1 is based upon the action taken by the district court. I attempted to explain how the matter came about so as to receive my docket number at that time, but the explanation was followed by the statement that I would be notified as to how to proceed.

Upon my return from Washington, I received a phone call on my answering machine from Ruth Jones which requested that I mail to the Supreme Court the federal district order.

I have enclosed a 42 page reply which states what I explained while I was in Washington, that the case was

originally docketed at 93-528 (JCL) (Judge Lifland), but that the case was never heard.

No scheduling order was ever provided (App. 9, App. 12) and as judge Hedges attempts to explain, "given the nature of the dispositive motions which were filed by both defendants. and the basis for judge Lifland's ruling, discovery would have been irrelevant. Contrary to plaintiff's contention that this civil action is 'very much alive,' it was closed on September 14, 1993."

The U. S. Supreme Court denied application No. A-987 for a stay on June 2, 1994 (App. 16). The Court of Appeals affirmed the district court order on December 2, 1994 (App. 17). The U. S. Supreme Court denied the petition for writ of certiorari I filed in appeal from the Court of Appeals Third Circuit on June 19, 1995 (App. 20).

On September 26, and October 26, 1995 (App. 30 & App. 26) I addressed this matter to Chief Justice Sloviter of the third circuit in Philadelphia. By letter (App. 32) of October 12, 1995, Chief Justice Sloviter advised the case was undocketed in the court of appeals, but that there was a clear intent to appeal. The case was docketed as No. 95-5754 (App. 40).

I trust the foregoing answers your question. I am concerned that a clear case in which no action is taken due to the fragmented way in which it has been handled never gets addressed in a court of law. It was for this reason that I moved lo consolidate the three cases - Moretti v. Zisa, Moretti v. State of New Jersey, and Moretti v. Dinice, but the court of appeals denied my motion to consolidate.

The results are obvious, and are set forth in the petition for a writ of prohibition, which I delivered to you on August 22, 1996. Kindly notify me by return mail of the docket no. and provide the requested forms for appearance to be served on my adversaries.

If you will advise how you desire the appendix to me modified reflecting the foregoing, I will be so guided.

App. 4

NOT FOR PUBLICATION
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MORETTI.

CIVIL ACTION 93-528(JCL)

Plaintiff.

v. MORANDUM AND ORDER

DINICE and SULLIVAN.

Defendants.

Lifland. District Judge

Presently before the Court is the motion of defendant. Judge Louis J. Dinice ("Judge Dinice"). to dismiss pursuant to Fed. R.Civ. P. 12(b)(6). Judge Dinice also moves for sanctions pursuant to Fed. R. Civ. P. 11.

Background

Plaintiff. Salvatore Moretti ("Moretti"). filed a Complaint against Judge Timothy J. Sullivan and Judge Dinice. Plaintiff alleges violations of his federal constitutional rights and invokes this Court's jurisdiction pursuant to 42 U.S.C.§ 1983.

The allegations relating to Judge Dinice concern judicial proceedings against Moretti over which Judge Dinice presided. Moretti alleges that Judge Dinice fined him on non-existent causes of action (Complaint at p.53). that Judge Dinice repeatedly postponed Moretti's trial forcing him to spend numerous hours sitting in court before learning that his trial had been postponed (Complaint at pp. 53, 68). that Judge Dinice refused to call any witnesses requested by plaintiff (Complaint at p. 63). and that Judge Dinice refused

to allow the City of Hackensack to respond to interrogatories served upon them by Moretti, the alleged third-party plaintiff. (Complaint at p. 63-664). Moretti also alleges that Judge Dinice had knowledge of and approved of municipal searches of the apartment building owned by Moretti which allegedly resulted in steel doors of the apartment building being broken. (Complaint at 59-60). Moretti also contends that Judge Dinice allowed tenants of the apartment building to withhold their rents and pay their rents directly into the municipal court, causing plaintiff to lose rents (Complaint at p. 61).

Moretti further alleges that Judge Dinice jailed Moretti on two occasions, August 17, 1992 and December 3, 1992. (Complaint at p. 61, 64). Moretti contends that Judge Dinice did not have probable cause when he caused plaintiff to be arrested on August 17, 1992. (Complaint at p. 62). Plaintiff further alleges that his incarceration in the Bergen County Jail Annex prevented plaintiff from appearing before the Superior Court on other matters, thereby allegedly depriving plaintiff of his Fifth Amendment right to trial.(Complaint at 62). Moretti contends that Judge Dinice's decision to incarcerate Moretti on December 3, 1992 was a result of Judge Dinice's learning that .Moretti intended to appeal the water case. (Complaint at p. 32 & 64). This incarceration allegedly prevented Moretti from attending a pre-trial conference in Superior Court on December 4, 1992, thereby allegedly depriving him of his Fifth Amendment right. (Id.)

Discussion

A motion to dismiss pursuant to Fed. R.Civ. P. 12(b)(6) may be granted only if accepting all well-pleaded allegations in the Complaint as true, and viewing them in the light most favorable to plaintiff, plaintiff is not entitled to relief. Bartholomew v. Fischl, 782 F.2d 1148, 1152 (3d Cir. 1986); Angelastro v. Prudential - Bache Securities Inc. 764 F.2d 939, 944 (3d Cir.), cert. denied 474 U.S. 935 (1985). "The

issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims." Scheuer v. Rhodes, 416 U.S. 232, 236 (1974). In setting forth a valid claim, a party is required only to plead "a short plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). Additionally, the court holds allegations contained in pro se complaints "to less stringent standards than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S.519, 520 (1972)(per curiam).

Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Judge Dinice because he is absolutely immune from damage claims pertaining to acts he performed as a judicial officer. See Stump v. Sparkman, 435 U.S. 349, 355-56 (1978); Bradley v. Fisher, 80 U.S. (13 Wall.) 335, 347 (1872); Turack v. Guido, 464 F.2d 535, 536 (3d Cir. 1972); Robinson v. McCorkle, 462 F.2d 111, 113-14 (3d Cir.), cert. denied, 409 U.S. 1042 (1972); Gambrell v. Hess, 777 F. Supp. 375, at 380-81 (D.N.J. 1991), aff'd, 970 F.2d B98 (3d Cir.), cert. denied, 113 S.Ct. 272 (1992). In Pierson v. Ray, 386 U.S. 547, 553-54 (1967), the Supreme Court described the breadth of the immunity accorded judges and explained the reasons underlying this rule of immunity, as follows:

"Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction, as this Court recognized when it adopted the doctrine, in Bradley v. Fisher ... This immunity applies when the judge is accused of acting maliciously and corruptly, and it is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences. It is a judge's duty to decide all cases within his jurisdiction that are brought before

him, including controversial cases that arouse the most intense feelings in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants, may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision-making but to intimidation. (citations omitted).

In the instant matter, it is clear that all of..the allegations against Judge Dinice relate to actions taken in his capacity as a Hackensack Municipal Court judge. Therefore, the Court will dismiss the Complaint against Judge Dinice.

Plaintiff appears to allege that Judge Dinice acted maliciously and corruptly. However, Pierson holds that the doctrine of absolute judicial immunity applies even if a judqe is accused of acting maliciously and corruptly. 386 U.S. at 554.

Plaintiff's case, at least in part, is based upon Judge Dinice's alleged failure to hear Moretti's case due to repeated postponements, and upon Judge Dinice's alleged failure to call any witnesses requested by Moretti. However, a judge is immune for both affirmative acts and omissions which occur throughout judicial proceedings. See, e.g., Decker v. Hillsborough County Attorney's Office, 845 F.2d 17, 21 (lst Cir. 1988) (holding that a Judge who failed to rule on various motions before the court was immune).

Judge Dinice moves for sanctions pursuant Fed. R. Civ. P. 11. Under Fed. R. Civ. P. 11 "the signature of an attorney or party constitutes a certificate by the signer that the signer has read the plead ing, motion or other paper; that to the best of the signer's knowledge it is well grounded in fact and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law." The Court may take 2into account the fact that plaintiff is pro se. Maduakolam v. Columbia University, 866 F.2d 53, 56 (2nd Cir. 1989); See alsoHaines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam) (pro se complaints are to be held "to less

stringent standards than formal pleadings drafted by lawyers."). In Clark v. Green, 814 F.2d 221, 223 (5th Cir 1989), the plaintiff, proceeding pro se, was sanctioned by the Fifth Circuit for appealing a decision rendered by the District Court which alerted the plaintiff that his claim was frivolous. While Moretti has not received such a warning, his conduct in bringing this totally meritless suit warrants sanctions, even considering Moretti's pro se status.Mr. Moretti has stated that he is a law school graduate. (Complaint p.80). Thus, he had the tools necessary to conduct a reasonable search as to the applicable law, which he chose not to do. The slightest effort at legal research as to the viability of a suit against a sitting judge for judicial rulings would have informed Moretti that his claim was frivolous, as would the slightest inquiry. The Court is thus satisfied that Moretti chose to burden Judge Dinice, and thereby this Court, with this litigation out of malice generated by Judge Dinice's actions, rather than out of concern for Moretti's constitutional rights. Accordingly,

IT IS on this 13th day of September 1993, ORDERED that plaintiff's Complaint against Judge Dinice is dismissed; and

IT IS FURTHER ORDERED that Judge Dinice's motion for sanctions is granted. Counsel for Judge Dinice shall submit a certification as to costs incurred in defending Judge Dinice.

John C. Lifland
United States District Judge

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

FILED OCT 01, 1993,WM.T WALSH

SALVATORE MORETTI, CIV.ACTION 93-528 (JCL)

Plaintiff,

v.

LOUIS J. DINICE and

TIMOTHY J. SULLIVAN,

Defendants.

MEMORANDUM AND ORDER

Lifland, District Judge

The Court is in receipt of a letter from plaintiff Salvatore Moretti ("Moretti") dated September 14, 1993. The Court will treat the letter as a notice of motion for reargument of this Court's Memorandum and Order filed August 4, 1993 dismissing the Complaint against Judge Sullivan under the doctrine of judicial immunity, and the Memorandum and Order filed September 13, 1993 dismissing the Complaint against Judge Dinice under the doctrine of judicial immunity. The Court will deny the motion for reargument..

Local Rule 12N provides that a motion for reargument shall be served and filed within l0 days after the entry of the order on the original motion by the Judge. The moving party shall also submit a brief setting forth concisely the matters or controlling decisions which he believes the Judge has overlooked.

The Court filed its Memorandum and Order dismissing the Complaint against Judge Sullivan on August 4, 1993. Moretti's motion for reargument was dated September 14, 1993 and was filed September 20, 1993. Since Moretti filed his motion for reargument of the Memorandum and Order concerning Judge Sullivan more than 10 days after it was

filed. the motion was untimely. and the Court will deny Moretti's motion for reargument as to Judge Sullivan.

Furthermore. Moretti has not set forth any specific facts or controlling law which he claims this Court overlooked in its Memoranda and Orders of August 4. 1993 and September 13. 1993.The Court has already dismissed Moretti's claims against Judge Sullivan and Judge Dinice under the doctrine of judicial immunity. Since Moretti has presented no specific issues which he alleges-this Court overlooked in deciding his previous motions. the Court will deny his motion for reargument as to Judge Dinice and Judge Sullivan.

Accordingly.

IT IS on this 30th day of September 1993 ORDERED that Moretti's motion for reargument is denied.

John C. Lifland
United States District Judge

LePORE, Zimmerer & LePore
Park 80 West, Plaza One
Saddle Brook, New Jersey 07663
Telephone No. (201) 845-7077
Attorney for Defendant-Respondent, Louis J. Dinice

filed Aug. 10, 1995
WILLIAM T WALSH
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF NEWARK

SALVATORE MORETTI,
Plaintiff-Petitioner,
vs.
LOUIS J. DINICE and TIMOTHY J. SULLIVAN,
Defendants-Respondents

HONORABLE JOHN C. LIFLAND,U.S.D.J.
CIVIL LITIGATION NO. 93-0528 (JCL)
AMENDED ORDER

This matter having originally come to be heard on mandate from the United States Court of Appeals for the Third Circuit dated December 2, 1994 ordering and adjudging that the judgment of this Court be affirmed, and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $109.40 in favor of defendant-appellee Honorable Timothy J. Sullivan, J.S.C., and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $54.80 in favor of defendant-appellee Louis J. Dinice and re-opened to the Court by the firm LePore, Zimmerer & LePore, attorneys for defendant, Louis J. Dinice; IT IS on this 10th day of August, 1995:

ORDERED that the judgment of this Court is affirmed; and IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P 39(e), costs are taxed against plainitiff-appellant Salvatore

Moretti and in favor of defendant-appellee Honorable Timothy J. Sullvan, J.S.C., in the amount of $109.40; and

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor of defendant-appellee Louis J. Dinice in the amount of $54.80, and that pursuant to Fed. R. Civ. P. 11, sanctions in the amount of $1,613.65 imposed against plaintiff, Salvatore Moretti.

(s) John C. Lifland, U.S.D.J.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Sept. 18, 1995

SALVATORE MORETTI WILLIAM T. WALSH

Plainitiff CLERK

CIVIL ACTION NO.. 93-528(JCL)

V. MEMORANDUM AND ORDER

LOUIS J. DINICE, et al.

Defendants

Lifland, District Judge

Plaintiff, pro se, has moved the Court to re-open the above captioned case. In his Complaint, plaintiff asserted civil rights claims under 42 U.S.C. 1983 against two New Jersey judges, Judges Dinice and Sullivan, based on conduct undertaken in their official capacities. The claims against both defendants were dismissed pursuant to Fed. R. Civ. P. 12(b)(6) on August 4, 1993 and September 13, 1993. In conjunction with each dismissal, plaintiff was sanctioned under Fed. R. Civ. P. 11. The Court found that plaintiff's claims were frivolous, motivated by malice concerning the defendants' judicial rulings, and not based on legitimate concern for plaintiff's constitutional rights. Before filing this motion, plaintiff appealed the dismissals to the Third Circuit, which affirmed this Court's judgment on December 28, 1994. Moretti v. Dinice, 46 F.3d 1117 (3d Cir. 1984)(sic). Plaintiff subsequently petitioned the Supreme Court of the United States for Writ of Certiorari. The Court denied the petition on June 19, 1995. Moretti v. Dinice, 115 S.Ct. 2580 (1995).

In support of his motion, plaintiff has submitted a copy of a lengthy brief recently filed in a separate matter in the Superior Court of New Jersey, Appellate Division. Plaintiff requests that this Court review the brief and reconsider the above captioned case in light of the facts revealed therein. In

particular, plaintiff argues that his case should be reopened because the motion to dismiss was decided without oral argument, a procedure authorized by Fed. R. Civ. P. 78. In short, plaintiff seeks reevaluation of the merits of his claim.

The Federal Rules of Civil Procedure do not provide a mechanism for a district court to reopen a case that has been closed and affirmed on appeal. The form of relief that most closely resembles what plaintiff seeks is relief from judgment under Fed. R. Civ. P. 60(b). Accordingly, the Court shall treat plaintiff's motion as such. Rule 60(b) permits a district court to provide relief from a judgment or order, within one year of entry, on the basis of mistake, evidence unavailable at the time of judgment, fraud, or "any other reason." Fed. R. Civ. P. 60(b). Plaintiff does not al:lege that the facts presented in the brief he now submits were unavailable at the time this Court dismissed his Complaint. Even if this were the case, the allowable time for a Rule 60(b) motion has long since passed. In light of the sanctions imposed by this Court, the Third Circuit's affirmance, and the Supreme Court's decision not to review the case, it should be perfectly clear to plaintiff at this point that his claims against defendants Dinice and Sullivan have no merit under the law.

Accordingly, IT IS on this 18th day of September, 1995 ORDERED that plaintiff's motion to re-open, treated as a motion for relief from judgment under Fed. R. Civ. P. 60(b), is DENIED WITH PREJUDICE.

(s) John C. Lifland
United States District Judge

DEBORAH T. PORITZ
Attorney General of New Jersey
Attorney for Defendant Timothy J. Sullivan, J.S.C.
R.J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625 FILED Jan 9, 1995
WILLIAM T. WALSH, CLERK

By: Patrick DeAlmeida
Deputy Attorney General
(609) 292-8582 PD3425

UNITED STATES DISTRICT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF NEWARK

SALVATORE MORETTI, Plaintiff	) HON. JOHN C. LIFLAND, U.S.D.J.
	Civil Action No.93-0528 (JCL)
v.	) ORDER
LOUISE J. DINICE, et al.,	)
Defendants.	)

This matter having come to be heard on mandate from the United States Court of Appeals for the Third Circuit dated December 2, 1994 ordering and adjudging that the judgment of this Court be affirmed, and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $109.40 in favor of defendant-appellee Honorable Timothy J. Sullivan, J.S.C., and taxing costs against plaintiff-appellant Salvatore Moretti in the amount of $54.80 in favor of defendant-appellee Louis J. Dinice:

IT IS on this 9th day of January, 1995

ORDERED that the judgment of this Court is affirmed; and IT IS FURTHER ORDERED that pursuant to Fed.

R. Civ. P.39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor af defendant-appellee Honorable timothy J. Sullivan, J.S.C., in the amount of $109.40; and

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 39(e), costs are taxed against plaintiff-appellant Salvatore Moretti and in favor of defendant-appellee Louis J. Dinice in the amount of $54.80.

John C. Lifland. J.U.S.D.J.

SUPREME COURT OF THE UNITED STATES
OFFICF OF THE CLERK
WASHINGTON, DC 20543-0001
Area Code 202 479-3011

WILLIAM K. SUTER
CLERK OF THE COURT

Mr. Robert Zimmerer
LePore Zimmerer & LePore
Park 80 West, Plaza One
Saddle Brook, NJ 07662

June 2, 994

re: Salvatore Moretti v. Louis J. Dinice, et al.
Application No. A-987

Dear Mr. Zimmerer:

The application for a stay in the above-entitled case has been presented to Justice Souter, who on June 2, 1994 endorsed thereon the following:

"Denied DH Souter 2 June 1994"

Sincerely,
WILLIAM K. SUTER, Clerk
Francis J. Lorson
Chief Deputy Clerk

NOTE - FOR YOUR INFORMATION: A copy of this letter has been sent to all interested parties shown on the attached notification list.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 19, 1995

Mr. Robert Zimmerer
LePore, Zimmerer & LePore
Park 80 W., PLaza One
Saddle Brook, NJ 07663

Re:: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, No. 94-1762

Dear Mr. Zimmerer:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Sincerely,
William K. Suter, Clerk

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
N0. 93-5581

SALVATORE MORETTI.
Appellant
v.
LOUIS J. DINICE
TIMOTHY J. SULLIVAN

On Appeal From the United States District Court For the District of New Jersey. (D.C. Civil Action No. 93-cv-00528). District Judge: Honorable John C. Lifland Submitted September 6. 1994

BEFORE: STAPLETON. GREENBERG and ALITO. Circuit Judges

JUDGMENT ORDER

After consideration of the contentions raised by appellant. it is

ORDERED AND ADJUDGED that the judgment of the district court entered September 14, 1993. be and is hereby affirmed.

Costs taxed against appellant.

By the Court.
Walter K. Stapleton
Circuit Judge
ATTEST: P. Douglas Sisk. Clerk
Dated Dec. 2. 1994

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT. Nos. 95-5732, 95-5754 & 95-5843

Moretti. v. State of NJ
Moretti v. Zisa
Moretti v. Dinice

To: Clerk

1) Motion by Appellant Pro Se. Salvatore Moretti. to Consolidate the Appeals at Nos. 95-5732, 95-5754 and 95-5843

The foregoing Motion is denied. It is noted that the appeal at No. 95-5732 has been dismissed by the Court for lack of jurisdiction. The appeal at No. 95-5843 will be submitted to the Court for possible dismissal due to a jurisdictional defect. Therefore, consolidation is not appropriate.

For the Court,

P. Douglas Sisk. Clerk

Dated DEC 19, 1995

OFFICE OF STAFF ATTORNEYS
UNITED STATES COURT OF APPEAL
THE WILLIAM J. GREEN, JR. FEDERAL BUILDING
600 ARCH STREET, ROOM 4416
PHILADELPHIA, PA 19106-1790

MARCIA M. WALDRON, Senior Staff Attorney
TELEPHONE (215) 597-2378 October 12, 1995

William T. Walsh, Clerk
United States District Court
District of New Jersey
U. S. Post Office and Courthouse
P.O. Box 419
Newark, NJ 07102

Re: Moretti v. Dinice, et al. (D.N.J. Civ. No. 93-cv-00528)
UNDOCKETED IN COURT OF APPEALS

Dear Mr. Walsh:

This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.

While not titled "notice of appeal", the documents indicate a clear intent to appeal an 8order of the district court. See Third Circuit Local Appellate Rule 3.4.

These documents should be filed as of October 2, 1995, the date received in the Court of Appeals, pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure.

If the parties consented to trial before a magistrate judge under 28 U.S.C. Section 636(c)(1), with appeal to the court of appeals pursuant to 28 U.S.C. Section 636(c)(3), the notice of appeal should be construed as addressed to the

United States Court of Appeals for the Third Circuit. In all other cases, if the notice of appeal designates an order, judgment or report and recommendation issued by a magistrate judge, the notice of appeal should be construed as addressed to the district court judge. 28 U.S.C. Section 636(b) and Section 636(c)(4). If the appeal is from a magistrate judge's order or report and recommendation, and appellant has already appealed to a district court judge, the appeal must be forwarded to the United States Court of Appeals for the Third Circuit. The Court of Appeals will determine jurisdiction.

These documents are being forwarded solely to protect appellant's right to appeal. Upon receipt of these documents kindly process these documents in the usual fashion. If the district court has already received the same document, it should disregard the enclosed copy to prevent duplication.

Thank you for your cooperation.

Very truly yours, (s) ELIZABETH A. CORMIER,
Supervising Staff Attorney
EAC/zm
Enclosure
cc: Mr. Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

A082 SWEDA(Rev.4/91)

RECEIPT FOR PAYMENT

UNITED STATES DISTRICT COURT

for the DISTRICT OF NEW JERSEY No 202109

AT NEWARK

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Filings Spec. Acct.
510100	Registry Admin. Acct.

CASE REFERENCE:

RECEIVED FROM S. Morretti (sic)

Civil 93-528 v. Louis Dinice

333 $100.00; 334 5.00. $105.00

Salvatore Moretti, 390 Park Street, Hackensack, N.J.

10/27/95. DEPUTY CLERK Norma Rodriguez

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which It was drawn.

WHITE: ORIGINAL

YELLOW: DUPLICATE

PINK: TRIPLICATE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
OFFICE OF THE CLERK
Martin Luther King, Jr. Federal Building
and U.S. Courthouse
PO Box 419
Newark, NJ 07101-0419
WILLIAM T. WALSH
Clerk

Date: October 31, 1995

Hon. P. Douglas Sisk
Clerk, U.S. Court of Appeals
for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Re: Salvatore Moretti -v- Louis Dinice
USDC Docket No. 93-528 USCA No.

Dear Mr. Sisk:

Please be advised that the filing fee/docket fee was paid on October 27, 1995

Very truly yours
WILLIAM T. WALSH, Clerk

By: Norma Rodriguez Deputy Clerk

*Strike one if necessary.

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THID CIRCUIT
21400 U. S. Courthouse
601 Market Street
Philadelphia PA 19106-1790
P. Douglas Sisk. Clerk. Tel. 215-597-31448

October 31. 1995

Mr. Salvatore Moretti
390 Park Street
Hackensack. NJ 07601

Robert Zimmerer. Esq.
LePore. Zimmerer & LePore
Park 80 West
Plaza One
Saddle Brook. NJ 07662

Re: Moretti vs. Dinice. Docket No. 95-5754

Dear Parties:

We are writing to notify you that pursuant to Rule ll. Fed. R. App. P.. the record ln the above-entitled matter has been transmitted to this Court and has been received as of 10/31/95. This notice is given in accordance with Rule 12(c). Fed. R. App. P.

You will receive a separate notification if and when a Briefing and Scheduling Order is entered in the appeal.

Very truly yours,
P. DOUGLAS SISK. Clerk
By: Debra L. Ruh
Deputy Clerk

App. 26

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

P. Douglas Sisk
Telephone
215-597-3144

21400 United States Courthouse
601 Market Street
Philadelphia PA 19106-1790

October 31, 1995

Mr. Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

RE: Dock.95-5754, Moretti vs. Dinice D.C.No. 93-cv-00528

Dear Mr. Moretti:

We have today docketed the above-captioned case, filed by Salvatore Moretti, as No. 95-5754. This docket number must appear on all documents related to this case which are submitted to this Court

CAPTION: Attached please find a copy of the full caption in this matter taken from the district court docket. Please review this attachment carefully and promptly advise this office in writing of any discrepancies. The caption is as the case was originally docketed unless the district court has specifically ordered otherwise.

N.B. The mere fact that a party has been terminated from the action does not automatically result in the party being deleted from the caption unless the district court has entered an order directing that the caption be so amended.

Please read the following carefully. Each of the following paragraphs identifies a responsibility that must be met immediately.

Failure of the appellant to comply with the following requirement(s) by the date established below will result in DISMISSAL of the case without further notice, pursuant to Third Circuit LAR Misc. 107.

TRANSCRIPT PURCHASE ORDER:
You must complete Part I of the Transcript Purchase Order (TPO) form which you received in the district court clerk's office whether or not you require additional transcript on appeal. The appellant is responsible for serving the various copies of the TPO upon the appellee and the other persons and offices indicated on the reverse side of the form. If a transcript is ordered, the order must be explicit, and financial arrangements, satisfactory to the court reporter, must be made at the time the order is placed. You are also required to notify all parties pursuant to instructions on the TPO form if transcript is
unnecessary. Rule 10(b) of the Federal Rules of Appellate Procedure and Third Circuit LAR 11 contain additional information. If you have any questions concerning transcripts, you should contact our office at the telephone number listed on the back of the TPO form. The Court of Appeal's copy of the TPO must be received in this office by 11/14/95.

FEES STATUS:
Payment of fees is required upon filing a Notice of Appeal from a District Court decision unless you are exempt by order of the Court. All fees are to be paid to the District Court. The following fees are currently unpaid:

$5.00 District Court filing fee
$100.00 Court of Appeals docket fee

If you intend to proceed without paying the fees, it will be necessary for you to file a Motion for Leave to Proceed In

Forma Pauperis with the Clerk of the District Court. Such motion should consist of an original and three (3) copies, together with an affidavit of poverty (form enclosed) which complies with the provisions of 28 U.S.C. Sec. 1746. A copy of your motion must be sent to opposing counsel and this office must be advised in writing that such service has been made.

Fees must be paid, or a motion filed, by 11/14/95. Third Circuit LAR 3.3.

The requirements for the filing of an appearance form, disclosure statement and civil appeal information statement are waived for pro se litigants.

RULES AND PROCEDURES:
The Local Appellate Rules are printed in several federal publications which are available in any law library. The most recent amendments of the Court publications are: Rules, July 1994, and IOP's, March 1991.

Very truly yours,
P. DOUGLAS SISK, Clerk
By: Debra L. Ruh
Deputy Clerk

cc Robert Zimmerer, Esq.

Enclosures:
Affidavit of Poverty Form
Information for Pro Se Litigants
Caption

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 95-5754

Moretti vs. Dinice

Salvatore Moretti
Appellant

(New Jersey District Civil No. 93-cv-00528)

SERVICE LIST

Mr. Salvatore Moretti
390 Park Street
Hackensack. NJ 07601 201-646-1414

Robert Zimmerer. Esq.
LePore. Zimmerer & LePore
Park 80 West
Plaza One
Saddle Brook. NJ 07662 201-845-7077

TRANSCRIPT PURCHASE ORDER

DISTRICT COURT

SALVATORE MORETTI v. LOUIS J. DINICE, and TIMOTHY J. SULLIVAN

Court of Appeals Docket No 93-5581

DISTRICT COURT DOCKET NO. 93-528(JCL)

Short.Case Title MORETTI v. DINICE & SULIVAN

Date Notice of Appeal Filed by Clerk of District Court 9/17/93

PART I. (fo be completed by party responsible for ordering transcript). NOTE: A SEPARATE FORM IS TO BE TYPED FOR EACH COURT REPORTER IN THIS CASE

A. Complete one of Ihe following and serve ALL COPIES: TRANSCRIPT. None x. ( )Unnecessary for appeal purposes. ( ) Already on file in the D.C Clerk's office. ( ) This is to order a transcript of the proceedings heard on the date listed below from _____ (Name of Court Reporter). (Specify exact date of proceedings). If requesting only partial transcript of proceedings, specify exactly what portion or what witness testimony is desired.. Motion to dismiss granted as to Dinice 9/13/93, and granted as to Sullivan 8/4/93. Oral argument applied for by plaintiff rejected by court, hence no transcript made of proceedings. If proceeding is to be transcribed was a trial also check any appropriate box below for special requests; otherwise; this material will NOT be included in trial transcripts. Voir dire ( ); Opening statement of plaintiff ( ) defendant ( ); Closing argument of plaintiff ( ) defendant ( ); Jury instructions ( )Sentencing Hearings ( )

FAILURE TO SPECIFY IN ADEQUATE DETAIL THOSE P8ROCEEDINGS TO BE TRANSCRIBED, OR, FAILURE TO MAKE PROMPT SATISFACTORY FINANCIAL ARRANGEMENTS FOR TRANSCRIPT, ARE GROUMDS FOR DISMISSAL OF THE APPEAL OR IMPOSITION OF SANCTIONS.

B: This is to certify that satisfactory financial arrangements have been completed with the court reporter for payment of the cost of the transcript. The method of payment will be:

( ) Criminal Justice Act (Attach copy of CJA form 24)

( ) Motion for transcript has been submitted to DC Judge

( ) Private funds

Signature Salvatore Moretti Date 9/27/93

Print Name Counsel for plaintiff pro se.

Telephone (201) 646-1414.

App. 32

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS Of (201) 645-3827 P.O. BOX 999
RONALD J. HEDGES U. S. COURTHOUSE
U..S. MAGISTRATE JUDGE NEWARK, NJ 07101-0999

October 7, 1993

LETTER-ORDER
ORIGINAL FILED WITH THE CLERK OF THE COURT

Salvatore Moretti
390 Park Street
Hackensack, NJ 07601

Robert Zimmerer, Esq.
Lepore, Zimmerer & Lepore
2 University Plaza
Suite 201
Hackensack, NJ 07601

Patrick DeAlmeida, DAG
R. J. Hughes Justice Complex
CN 112
Trenton, NJ 08625

Re: Moretti v. Dinice, et al.
Civil Action No. 93-528
Hon. John C. Lifland, U.S.D.J.

Dear Litigants:

This is in response to the attached correspondence from plaintiff dated October 1, 1993.

Plaintiff contends that he was denied "both discovery and a scheduling order." However, consistent with General Rule

15A.1 an initial conference may be deferred "due to the pendency of a dispositive or other motion." Such a motion was filed by defendant Sullivan. Moreover, given the nature of the dispositive motions which were filed by both defendants and the basis for Judge Lifland's ruling, discovery would have been irrelevant.

Contrary to plaintiff's contention that this civil action is "very much alive," it was closed on September 14, 1993..Accordingly, no scheduling order will issue.

SO ORDERED.

RONALD J. HEDGES
UNITED STATES MAGISTRATE JUDGE

Orig.. Clerk
cc: Hon. John C. Lifland, U.S.D.J.
Addressees
File

U.S. District Court
District of New Jersey (Newark)

CIVIL DOCKET FOR CASE #: 93-CV-528
MORETTI v. DINICE, et al
Assigned to: Judge John C. Lifland
Demand: $700,000
Lead Docket: None
Dkt# in other court: None
Cause: 42:1983 Civil Rights Act
SALVATORE MORETTI
plaintiff
v.
LOUIS J. DINICE
defendant

12BD CLOSED
Filed: 02/01/93
Jury demand: Both
Nature of Suit: 440
Jurisdiction: Federal Question
SALVATORE MORETTI
[COR LD NTC] [PRO SE]
390 PARK STREET
HACKENSACK, NJ 07601
(201) 646-1414

ROBERT ZIMMERER
Below Address Terminated on 11/22/95
[COR LD NTC]
LEPORE, ZIMMERER & LEPORE, ESQS.
PARK 80 WEST, PLAZA ONE
SADDLE BROOK, NJ 07663
201-845-7077

TIMOTHY J SULLIVAN (represented by)
PATRICK DeALMEIDA
defendant [term O8/04/93]
[term O8/04/93] [COR LD NTC]
OFFICE OF ATTORNEY GENERAL
R J HUGHES JUSTICE COMPLEX
CN 112
TRENTON NJ 08625
(609)633-8409

Docket as of October 30, 1996 12:23 pm
Proceedings include all events. 12BD
2:93cv528 MORETTI v. DINICE, et al CLOSED
2/1/93 1 COMPLAINT filed; jury demand FILING FEE $ 120 RECEIPT #
168284 (ja) [Entry date 02/05/93]

2/1/93 2 NOTICE of Allocation and Assignment filed. Magistrate RONALD J. HEDGES (ja) [Entry date 02/05/93]
2/5/93 -- SUMMONS(ES) issued for LOUIS J. DINICE, TIMOTHY J. SULLIVAN (20 Days) (Mailed to PRO SE) (ja)
3/15/93 3 APPLICATION by LOUIS J. DINICE and Clerk's Order extending time to answer. Answer due 3/30/93 for LOUIS J. DINICE (nr) [Entry date 03/18/93]
3/16/93 4 APPLICATION by TIMOTHY J. SULLIVAN and Clerk's Order extending time to answer. Answer due 3/31/93 for TIMOTHY J. SULLIVAN (nr) [Entry date 03/18/93]
3/16/93 5 APPLICATION by TIMOTHY J. SULLIVAN and Clerk's Order extending time to answer. Answer due 3/31/93 for TIMOTHY J. SULLIVAN (nr) [Entry date 03/22/93]

3/30/93 6 ANSWER to Complaint by dft., LOUIS J. DINICE; jury demand (cs) [Entry date 03/31/93]

3/31/93 7 Notice of MOTION to dismiss action by TIMOTHY J. SULLIVAN, proof of service.(brief sub) Motion hearing set for 5/10/93 on [7-1] motion.(nr) [Entry date 04/02/93]

5/4/93 8 RETURN OF SERVICE executed as to LOUIS J. DINICE, TIMOTHY J. SULLIVAN 3/15/93 Answer due on 4/4/93 for TIMOTHY J. SULLIVAN, for LOUIS J. DINICE (nr) [Entry date 05/06/93]

5/10/93 9 Minute entry: Proceedings recorded by Ct-Reporter: L. Johnson; Minutes of: 05.10.93; The following actions were taken, [7-1] motion to dismiss action taken under advisement pursuant to Rule 78. By Judge John C. Lifland (nr) [Entry date 05/11/93)

8/3/93 10 Notice of MOTION to dismiss action for failure to state a claim by LOUIS J. DINICE, TIMOTHY J. SULLIVAN, proof of service.(brief sub) Motion hearing set for 9/13/93 on [10-1] motion.(nr) [Entry date 08/04/93]

8/4/93 11 OPINION AND ORDER granting [7-1] motion to dismiss action and granting motion for sanctions. signed by Judge John C. Lifland) (nr)

8/12/93 12 CERTIFICATION of SALVATORE MORETTI (nr) [Entry date 08 13/93]

8/27/93 13 RESPONSE by LOUIS J. DINICE in opposition to [10-1] motion to dismiss action for failure to state a claim (sr) [Entry date 08/30/93]

9/13/93 14 Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 09.13.93; The following actions were taken, [10-1] motion to dismiss action for failure to state a claim taken under advisement pursuant to Rule 78. By Judge John C. Lifland (nr)

9/13/93 15 OPINION AND ORDER granting [10-1] motion to dismiss action for failure to state a claim as to deft. Judge Dinice and granting motion for sanctions (signed by Judge John C. Lifland) (nr) [Entry date 09/14/93]

9/14/93 -- Case closed (nr)

9/14/93 16 AFFIDAVIT of PATRICK DEALMEIDA (nr) [Entry date 09/15/93]

9/14/93 17 CERTIFICATION of SALVATORE MORETTI (nr) [Entry date 09/15/93]

9/17/93 18 NOTICE OF APPEAL filed at 3:45 by SALVATORE MORETTI Re: [15-1] order. Fee Status: $105.00. Copies of notice of appeal sent to USCA and Attorney(s): Robert Zimmerer, Esq., Patrick DeAlmeida, DAG and Salvatore Moretti, pro se (nr) Entry date 09/20/93]

9/17/93 21 APPLICATION of pltf. for reconsideration of dismissal (nr) [Entry date 09/28/93]

9/20/93 20 LETTER by pltf. re motion for dismissal (nr) [Entry date 09/22/93]

9/22/93 -- Record on appeal sent to U.S. Court of Appeals: [18-1] appeal (ab)

9/28/93 22 LETTER by pltf. with attached exhibits (nr) [Entry date 09/29/93]

10/1/93 23 OPINION AND ORDER denying pltf's motion for reargument (signed by Judge John C. Lifland) (nr) [Entry date 10/04/93]

10/1/93 24 CERTIFICATION of SERVICES RENDERED (nr) [Entry date 10/05/93] [Edit date 10/05/93]

10/4/93 25 NOTICE of Docketing ROA from USCA Re: [18-1] appeal USCA NUMBER: 93-5581(ab) [Entry date 10/06/93]

10/6/93 -- Supplemental record sent to USCA on appeal: [18-1] appeal (nr)

10/6/93 26 Transcript Purchase Order RE: [18-1] appeal no transcript necessary (nr) [Entry date 10/07/93]

10/6/93 27 CERTIFICATE OF SERVICE of copies of TPO (nr) [Entry date 10/07/93]

10/7/93 28 LETTER ORDER denying pltf. request for scheduling order (signed by Magistrate Ronald J. Hedges) (nr) [Entry date 10/OS/93]

10/19/93 29 MEMORANDUM AND ORDER directing pltf. to pay the City of Hackensack sanctions in the amount of $1613.65 within 30 days (signed by Judge John C. Lifland) (nr) [Entry date 10/20/93]

10/27/9330 OPINION AND ORDER directing pltf. SALVATORE MORETTI to pay the sum of $2.780.50 to the State of New Jersey. Division of Law, within 30 days (signed by Judge John C. Lifland) (nr) [Entry date 10/28/93] [Edit date 10/28/93]

12/29/9331 ORDER for DISCOVERY (signed by Judge John C. Lifland) (nr) [Entry date 12/30/93]

2/4/94 -- Second Supplemental record sent to USCA on appeal: [18-1] appeal (nr)

2/28/94 32 LETTER by pltf. re correspondence from Robert Zimmerer (nr) [Entry date 03/Ol/94]

3/17/94 33 Notice of MOTION to enforce litigants rights by LOUIS J. DINICE, proof of service. Motion hearing set for 4/11/94 on [33-1] motion.(nr) [Entry date 03/2l/94]

3/17/94 34 CERTIFICATION of ROBERT ZIMMERER (nr) [Entry date 03/2l/94]

3/24/94 35 CERTIFICATE OF SERVICE of copies of reply to deft.(nr) [Entry date 03/25/94]

4/13/94 36 Copy of CERTIFICATION of SALVATORE MORETTI (nr)

4/13/94 37 LETTER by pltf. in response to motion (nr)

4/13/94 38 CERTIFICATE OF SERVICE of copies of reply (nr)

4/25/94 39 LETTER by deft, for issuance of writ of execution (vm) [Entry date 04/28/94]

4/28/94 -- WRIT of execution issued and recorded in book XX page 18 of execution (USM-NEWARK) (vm)

5/9/94 40 LETTER of pltf. advising the Court that he has petition the the U.S. Supreme Court for a writ of certiorari, etc.(nr) [Entry date 05/11/94]

5/9/94 41 LETTER OPINION AND ORDER granting [33-1] motion to enforce litigants rights; and directing pltf. to appear for a deposition at the office of LePore. 2immerer & LePore (signed by Magistrate Ronald J. Hedges) (nr) [Entry date 05/11/94]

5/9/94 42 Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 05.09.94; The following actions were taken. [33-1] motion to enforce litigants rights taken under advisement pursuant to Rule 78. By Magistrate Ronald J. Hedges (nr) [Entry date 05/11/94]

5/16/94 43 Certified Copy Of Order from the USCA. Re: denying request for stay and referring question of jurisdiction to merits panel (nr) [Entry date 05/17/94]

6/20/94 44 WRIT of Execution returned unexecuted (nr) [Entry date 06/21/94]

6/24/94 45 WRIT of Execution returned served on 6/9/94(vm)

12/28/94 46 ORDER on Mandate from USCA affirming the decision of USDC with appellant costs.(nr) [Entry date 12/29/94]

1/9/95 47 ORDER on mandate awarding $109.40 in favor of Timothy J. Sullivan J.S.C. and for $54.80 in favor of Louis J. Dinice and all against Salvatore Moretti (signed by Judge John C. Lifland) n/m (nr) [Entry date 01/10/95]

4/5/95 48 LETTER by pltf. in opposition to deft's request to amend an order (nr) [Entry date 04/06/95]

8/2/95 52 LETTER by pltf. with attached exhibits (nr) [Entry date 09/21/95]

8/10/95 49 AMENDED ORDER on Mandate amending order of 1/10/95 to include sanctions in the amt of $1,613.65 in favor of dft/appellee, Louis J. Dinice and against appellant Salvatore Moretti (Lifland) n/m (nr) [Entry date 08/11/95] [Edit date 08/14/95]

8/22/95 50 LETTER by pltf. re motion for dismissal (nr) [Entry date 08/24/95]

9/18/95 51 OPINION AND ORDER denying pltf's motion to re-open action (signed by Judge John C. Lifland) n/m (nr) [Entry date 09/20/95]

10/2/95 53 NOTICE OF APPEAL filed at by SALVATORE MORETTI Re:. Copies of notice of appeal sent to USCA and Attorney(s): SALVATORE MORETTI, PATRICK DeALMEIDA, ROBERT ZIMMERER (nr) [Entry date 10/19/95] [Edit date 10/27/95]

10/27/95 - Record on appeal sent to U.S. Court of Appeals: [53-1] appeal (ab)

10/27/95 54 Transcript Purchase Order RE: [53-1] appeal - no transcript necessary (nr)

10/27/95-- Supplemental record sent to USCA on appeal: [53-1] appeal Docket as of October 30,199612:13 pm Page 5

11/3/95 NOTICE of Docketing ROA from USCA Re: [53-1] appeal USCA NUMBER: 95-5754(ab)

3/22/96 56 Certified Copy Of Order from the USCA granting motion of Robert Zimmerer, Esq., ccunsel for Honorable Louis J. Dinice in (USCA No.93-5581) for Attorneys' Fees and Expenses in the amt of $8496.09(cs) [Entry date 03/28/96]

7/2/96 57 ORDER on Mandate from USCA dismissing appeal for failure to timely prosecute (nr) [Entry date 07/03/96]

App. 41

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

August 20,1996

Clerk of the Court
United Sates Supreme Court
1 First Street, N. E.
Washington, D. C. 20543

re: IN THE PETITION OF SALVATORE MORETTI PETITION FOR WRIT OF PROHIBITION, MORETTI v. LOUIS J. DINICE, U. S. Court of Appeals for the Third Circuit 95-5754,, Case No.

Dear Clerk of the Court:

Enclosed find my preliminary mailing of the forty petitions for Writ of Prohibition as above captioned. I am sending this advance notification due to scheduling problems-several rolls of film depicting the material within the petitions were returned blank.

The petitions require recognition that the May 13,1996 Inspection Report and Orders of the Commissioner of the New Jersey Bureau of Housing Inspection consist of thirteen pages (attached hereto) and contained a damage report encompassing over $20,000 of repairs, which were to be completed in 60 days.

The apartments were rented in excellent condition to the current tenancy just two years ago, but under the mistaken belief tenants could realize rent reductions through destruction of their apartments.

Tenants, and their guests (all of whom are unknown to me in that the tenants do not speak a language with which I am familiar) changed locks, removed plumbing, do make shift repairs, erected wall dividers, strung up electric wiring, broke windows, caused numerous smoke alarm alerts, caused numerous main sewer line back-ups, dumped raw sewage into the crawl-space by removing plumbing, destroyed ceramic walls in the bathrooms, removed fixtures with tools they owned, and so forth. This interfered with maintenance.

The Hackensack rent control ordinance requires that a maximum of 60% of gross be apportioned to maintenance as a maximum, but this has not prevented either the assessment of the property too high, nor the requirements for maintenance repairs which are confiscatory.

Meanwhile, the water company issued a shut off notice based on consumption of water in excess of 825,000 gallons of water for the last quarter, reflecting usage of 600 gallons of water consumed per rented apartment (there is over a 35% vacancy factor). No explanation was given as to who could have used that much water. My estimate is use of 60 gallons of water per day. The Hackensack Water Co. (a.k.a. United Water) case was heard by Louis J. Dinice, the respondent within, who found the billing justified. This water company does water searches (bill verification) for the city, thereby removing the possibility of independent auditors' reports.

The additional booklets comprising the 40 bound volumes as per rule 33 will be shipped immediately.

Very truly, (s) .Salvatore Moretti

enc.

cc: Clerk of the Hackensack Municipal Court
Hackensack Municipal Prosecutor Henry J. Amoroso

App. 43

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

September 17, 1993

United States District Court of
United States Court House and
Post Office Building
Newark, New Jersey 07102

U. S. Court of Appeals
21400 U. S. Courthouse
601 Market Street
Philadelphia, Penn. 19106

re: Filing of Notice of Appeal in the .Case of Salvatore Moretti vs. Louis J. Dinice, and Timothy J. Sullivan, District Court Case Number 93-52 (JCL)

Dear Sirs:

There were no trial transcripts to order below in the trial court since the defendants filed motions to dismiss and there was no oral argument allowed at those hearings - they were decided on the papers alone.

In the companion case of 92-CV-4206 (HAA) C. A. No. 93-5416, this also occurred, resulting in no transcript to be ordered. In effect, the trial court ruled in both matters that there was no right to trial since the defendants were either immune from suit or for such other reasons as will emerge. I opposed these rulings and demanded oral argument but to no avail.

Very truly (s) Salvatore Moretti

cc Patrick DeAlmeida DAG
Robert Zimmerer Esq

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 1, 1993

Magistrate Ronald J. Hedges
United States District Court
U. S. Post Office & Court House
Newark, New Jersey 07101

Clerk - The U. S. District Court
Dictrict Court of New Jersey
U. S. Post Office & Court House
Newark, New Jersey 07101

Re: Salvatore Moretti vs. Louis J. Dinice, and Timothy J. Sullivan, Case Number 93-528 (JCL)

Dear Magistrate Hedges & Clerk of the Court:

I have received correspondence from both Patrick DeAlmeida Deputy Attorney General on behalf of defendant Timothy Sullivan (dated September 29, 1993), and Robert Zimmerer on behalf of defendant Louis Dinice to the effect that there is "no need for a scheduling order at this time." There is need since the order(s) issued in the above captioned matter are not dispositive of the issues raised in the complaint.

I set forth the following reasons for this as follows:

1. There has been no pretrial conference. Fed. R. Civ. P. 16(b) states that a scheduling order is to issue no more than 120 days after the filing of the complaint. No scheduling order has been issued. As a result, there is no mention of what the issues are for trial, what discovery is required, etc. There has been no trial or discovery, yet both are needed.

2. The court received my letter dated September 14, 1993, and thought it to be a "notice of motion for reargument of this Court's Memorandum and Order filed August 4, 1992 dismissing the Complaint against Judge Sullivan under the doctrine of judicial immunity. The court will deny the motion for reargument In fact, the motion was a motion for new trial under Fed. R. Civ. P. 59(b). The underlying litigation, 92-4206 (HAA) had been appealed to the Court of Appeals, and reliance upon its dismissal was inappropriate. The judgment of the court was void under Fed. R. Civ. P. 6(b).

3. The court believed it possible to try the case against the defendants piecemeal, first Sullivan, the Superior Court Judge, then Dinice, the municipal court judge. By denying both discovery and a scheduling order, the court induced surprise, avoiding the requirement for a jury trial which was demanded in the complaint, and foregoing my right to a civil-rights trial. Hence, my letter was a Motion for Relief .

4. By-passing a pretrial conference, Zimmerer and DeAlmeida have tried the case outside of the jury's hearing, found the jury incompetent to hear the case, relied upon matters dehors the record by referring to the prior dismissal of Moretti v. Zisa, et al., 92-4206(HAA), and then under the guise of a Motion for Dismissal Fed. R. Civ. P. 11 & 12(b) have in fact proceeded to a motion

for summary judgment, without any of the hearing requirements of answering the questions set forth in the moving papers of the plaintiff. Now after both defendants have stated amounts of the sanctions under Fed. R. Civ. P 11, the claim has been made that the matter has not been disposed of in all its minutiae. Hence, the Court of Appeals questions their jurisdiction under the facts pattern set forth in voluminous papers before it in both Moretti v. Zisa et al, 92-4206 (HAA), and the matter within, Moretti v. Dinice and Sullivan, 93-528(JCL), preventing appeal to the reviewing court.

For the reasons set forth above, I believe the scheduling order is very much alive in the trial court, for it would clarify and give meaning to the essentially arid legalistic formulae reducible to the gloss - a sitting judge can do no wrong, and correspondingly, no harm.

Very truly, (s) Salvatore Moretti

cc: John D. Lifland, J.U.S.D.C.
United States District Court
U. S. Court House
Newark, New Jersey 07101

Robert Limmerer, Esq.
LePore, Zimmerer & LePore
Park 80 West Plaza One
Saddle Brook, New Jersey 07662

Patrick DeAlmeida, D. A. G.
State of New Jersey, Dept. of Law & Public Safety
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Richard J. Hughes Justice Complex
CN-112
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SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 26, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for the Third Circuit
21400 U. S. Courthouse
601 Market Street
Independence Mall West
Philadelphia, Pennsylvania 19106

Office of Staff Attorneys
United States Court of Appeals
The William J. Green, Jr. Federal Building
600 Arch Street, Room 4416
Philadelphia, Pennsylvania 19106-1790

William T. Walsh, Clerk
United States District Court
Martin Luther King Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07101

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, D.C. No. 93-528, Filing Appeal to the U. S. Court of Appeals, Appeal from Denial of Motion to Re-Open Case

Dear Clerk of the Court:

By letter of October 12, 1995, Elizabeth A. Cormier, Supervising Staff Attorney, the United States Court of

Appeals for the Third Circuit, wrote to you with regard to the above case, stating:

"This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.

"While not titled "notice of appeal", the documents indicate a clear intent to appeal an order of the district court. See Third Circuit Local Appellate Rule 3.4.

"These documents should be filed as of October 2, 1995, the date received in the court of Appeals, pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure.

"If the parties consented to trial before a magistrate judge under 28 U.S.C. Section 636(c)(1), with appeal to the court of appeals pursuant to 28 U.S.C. Section 636(c)(3), the notice of appeal should be construed as addressed to the United States Court of Appeals for the Third Circuit. In all other cases, if the notice of appeal designates an order, judgment or report and recommendation issued by a magistrate judge, the notice of appeal should be construed as addressed to the district court judge. 28 U.S.C, Section 636 (b) and Section 636(c)(4). If the appeal from a magistrate judge order or report and recommendation, and appellant has already appealed to a district court judge, the appeal must be forwarded to the United States Court of Appeals for the Third Circuit. The Court of Appeals will determine jurisdiction.

"These documents are being forwarded solely to protect appellant's right to appeal. Upon receipt of these documents, kindly process these documents in the usual fashion. If the district court has already received the same document, it should disregard the enclosed copy to prevent duplication."

Thank you for your cooperation.
(s) ELIAZABETH A. CORMIER, Supervising Staff Attorney

I sent the 670 page brief and appendix (said case currently pending in the New Jersey Supreme Court, 41,120), to three judges. Judges Harold A. Ackerman in the case of Moretti v.Zisa. et al., 92-4206 (HAA), Judge Lifland in the case of Moretti v. Dinice et al. 93-528. and Judge Bissell in the case of Moretti v. State of New Jersev, et al. 94-6347. The 670 page brief and appendix was served on the Clerk of the Court as well in each of the three cases to be filed as part of the record.

I am submitting the filing fee and docketing fee totaling $105.00 in the case of Salvatore Moretti v. Louis J. Dinice and Timothv J. Sullivan. D. C. 93-528 (JCL): In an additional case. Moretti v. State of New Jersey. 94-6347. I transmitted the transcript request form duly completed as well as the filing fee and docketing fees totaling $105.00 to the District Court. Court of Appeals, and the appellees (and I received a receipt for the $105 filing fee and docketing fee).

The question. remains whether all three cases should be included in this appeal (Moretti v. Zisa et al., 92-4206 (HAA)). I await your reply.

Very truly. (s) Salvatore Moretti
Plaintiff-Appellant Pro Se

cc. Robert Zimmerer. Esq. (On Behalf of Louis J. Dinice)
LePore. Zimmerer. & LePore, Esqs.
Park 80 West, Plaza One.
Saddle Brook. New Jersey 07662

Deborah T. Poritz, Attorney General of New Jersey

(On Behalf of Timothy J. Sullivan)
State of New Jersey
Department of Law and Public Safety
Division of Law
Richard J. Hughes Justice Complex
25 Market Street
CN 112
Trenton, New Jersey 08625-0112

App. 51

SALVATORE MORETTI
390 PARK STREET
HACKENSACK, NEW JERSEY 07601
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September 26, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for Third-Circuit
21400 U. S. Courthouse
601 Market Street
Independence Mall,West
Philadelphia, Pennsylvania 19106

re: Salvatore Moretti v. Louis J. Dinice and Timoth J. Sullivan, D.C. No. 93-528, C.A. No. 93-5581, Sup. Ct. No. 94-1762. Motion to Re-Open Based Upon 670 Pg. Brief & Appendix. Filed with N. J. Appellate Division, Docket No. A-4913-94-T2

Dear Justice Sloviter:

On September 20, 1995, I received a written memorandum and order from Judge John C. Lifland of the U. S. District Court, in Newark, N. J., attached hereto. Judge Lifland references a "lengthy" 670 page brief and appendix detailing matters involving operation of apartment house property in Hackensack, New Jersey, filed in the N. J. Appellate Division, A-4913-94-T2, submitted July 7, 1995 to the appellate division.

Judge Lifland dismissed my complaint without hearing on the basis of absolute immunity of a sitting judge, Louis Dinice being a municipal judge in Hackensack, as well as a lawyer there. I am a law school graduate.

I received Judge Lifland's order after I was released from jail - I was arrested in my own home on the complaint

of a transient. The transient's complaint was taken despite the fact that she has a long criminal record, including prosecution before the Hackensack municipal court. The transient, Beverly Freeman, was herself arrested on August 30, 1995 in my home due to violation of probation - she was hiding out in my home without notifying probation of her whereabouts. Ms. Freeman had fallen five weeks behind in her rent and she was supposedly moving out - instead she locked me out of my own home, glued keyways shut preventing my re-entry, and complained I was annoying her. The police believed her and on the warrant filed by Beverly Freeman I was arrested and jailed for three days on one thousand dollars bail, no 10%.

I filed my case against Dinice due to mishandling of many problems by him - for example he had me arrested for non-payment of my water bill in the building I myself live in - Park Court Apartments, 391 Park St., Hackensack. I have enclosed my .letter to the water company showing payments for water from Sept. 6, 1994 to Sept. 8, 1995, totaling $18,500. The water company claims I owe them $6,800 more totaling $25,300. Given my water bills were only $900 per year as per the city of Hackensack's own real estate appraiser, this seems excessive. As a result of that appraisal (discussed in my 670 page report), my assessment on a 20 unit (1 bedroom/unit) building was increased $500,000 to $792,000.

While Judge Lifland has not even scheduled a hearing on my case (93-528-JCL) since the day it was filed, I have received mishandling of even routine matters by the defendants, Dinice and Sullivan. Stedtler, my tenant, was arrested in Hackensack and has been in jail for two years. She is currently in prison in Clinton, N. J. (for not reporting to probation). She calls asking for my assistance due to my legal training; I have had difficulty in providing her help in that I too was in jail.

My insurance has gone up to $10. 000 per year. and my bank wants to recall the mortgage, due to the bad neighborhood conditions. As you see. I wrote to the state Attorney General seeking assistance. and now I am writing you. since I believe Judge Lifland has misunderstood the nature of my case. It is unconstitutional to be arrested in your own home and jailed on the unconfirmed allegations of a $7/day transient room renter who has fallen seven weeks behind in her rent. Ms. Freeman has had a 21 year criminal record dating back to her imprisonment in the Edna Mahan Correctional Facility in Clinton. N. J.

Upon her arrest August 30. 1995. Ms. Freeman called me several times from the Bergen County jail as my letter of Sept. 8. 1995 states. and I even visited her in order to assist her in any way I could. She reciprocated by filing a complaint against me for harassment.

Based upon the enclosed materials it should be obvious that Judge Lifland has misunderstood the nature of the problem. As Chief Justice of the Circuit I hope that you may intercede on my behalf in this matter. Given that I was held up and robed of over $7,000 (my rents from Park Court Apartments) in a federally chartered bank. I believe Judge Lifland's memorandum and order is excessive.

Very truly. (s) Salvatore Moretti
enc.

App. 54

SALVATORE MORETTI
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HACKENSACK, NEW JERSEY 07601
(201) 646-1414

October 23, 1995

Dolores K. Sloviter, Chief Justice
U. S. Court of Appeals for the Third Circuit
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601 Market Street
Independence Mall West
Philadelphia, Pennsylvania 19106

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The William J. Green, Jr. Federal Building
600 Arch Street, Room 4416
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William T. Walsh, Clerk
U. S. District Court
M. L. King Federal Bldg.
50 Walnut Street
Newark, N.J. 07101

Hon. John C. Lifland, .
U. S. District Court
M. L. King Federal Building
Chambers
50 Walnut Street
Newark, N. J. 07101

re: Salvatore Moretti v. Louis J. Dinice and Timothy J. Sullivan, D.C. No. 93-528, C.A. No. 93-5581, Sup. Ct. No. 94-1762, Motion to Re-Open Based Upon 670 Pg. Brief & Appendix Filed with N. J. Appellate Division, Docket No. A-4913-94-T2. Appeal from Denial of Motion to Re-Open Case

Dear Clerk of the Court:

By letter of October 12, 1995, Elizabeth A. Cormier, Supervising Staff Attorney, the United States Court of Appeals for the Third Circuit, wrote to you with regard to the above case, stating:

> This office has received documents from a litigant in the above-entitled case which should be construed as a notice of appeal from an order of the district court entered by Judge Lifland on September 20, 1995.
>
> While not titled "notice of appeal", the documents indicate a clear intent to appeal an order of the district court...
>
> Thank you for your cooperation.
>
> (s) ELIAZABETH A. CORMIER, Supervising Staff Attorney

I sent the 670 page brief and appendix (said case currently pending in the New Jersey Supreme Court, 41,120), to three judges, Judges Harold A. Ackerman in the case of Moretti v. Zisa et al., 92-4206 (HAA), Judge Lifland in the case of Moretti v.Dinice et al. 93-528, and Judge Bissell in the case of Moretti v. State of New Jersey, et al, 94-6347.

Only in one case did the Federal District Court transmit a Transcript Request Form, the case of Moretti v. State of New Jersey, 94-6347. I have transmitted that form duly completed as well as the filing fee and docketing fees totaling $105.00 to the District Court, Court of Appeals, and the appellees. The question remains whether all three cases should be included in this appeal, or whether I should have received the transcript request form in the case of Moretti v. Dinice et al. only.

I await your reply.

Very truly, (s) Salvatore Moretti
Plaintiff-Appellant Pro Se

cc.

DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
BUREAU OF HOUSING INSPECTION
DATE ISSUED 05/13/96
DATE RE=INSP. - ON OR AFTER 07/13/96.
MORETTI SALVATORE
390 PARK ST
HACKENSACK NJ 07601
INSPECTION REPORT AND ORDERS OF THE COMMISSIONER. 07/13/96
PAGE N0. 1. REGISTRATION NO. 0223-07261-C
APTS* 10
TYPE* MD UNITS
TOTAL* 10
INSPECTOR* FERENCZI
PARK CT APTS BLDG 1
391 PARK ST
HACKENSACK * 0223
BLDG. NO. 001 of 002 BLDGS.

Please take notice that the inspections conducted by the New Jersey Bureau of Housing Inspection at the premises noted above disclose that. violations.exist at said premises in contravention of Hotel and Multiple Dwelling law and of the 'Regulations for the Maintenance of Hotels and Multiple Dwellings" promulgated thereunder. You are hereby ORDERED by the Commissioner to comply with all of the following orders and you are hereby ORDERED by the Commissioner to abate all the violations listed below" by the date of reinspection listed above. Failure to comply with this notice and the Orders of the Commissioner will subject you to a penalty levied by the Department of Community Affairs in accordance with the provisions of the Hotel and Multiple Dwelling Law,

(P.L.1967. C76 as amended and supplemented; N.J.S.A. 55:13A-1 et seq.) Commissioner of Community Affairs By: Curtis F. Watts Chief Bureau of Housing Inspection

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

NOTE: IF ANY VIOLATIONS ARE PRECEDED BY A 'P'OR 'M'. REFER TO THE PERMIT INFORMATION AT THE END OF THE REPORT.

ALL CODE CITATIONS ARE PRECEDED BY 5:1. EXCEPT THOSE BEGINNING WITH THE NUMBER 4 WHICH ARE PRECEDED BY 5:18. ANY VIOLATION CITED IN THIS REPORT SHALL BE CORRECTED AND SHALL BE MAINTAINED AND/OR KEPT IN AN OPERATIVE CONDITION AT ALL TIMES PURSUANT TO N.J.A.C. 5:10-1.b AND/OR N.J.A.C 5:18-3.1 ET SEQ.

EXTERIOR LOCATION CODE

1/2 CORRECT IMPROPER DRAINAGE 6.4(B)

2/2 PAINT ALL WOODWORK. 7.3(A)

3/2 PROVIDE LEGIBILE CONSPICUOUSLY DISPLAYED SIGN CONTAINING JANITOR'S NAME. ADDRESS. AND TELEPHONE NUMBER. 11.1(D)

4/2 MAKE EXTERIOR ENTRANCE DOOR TO COMMON CELLAR/STORAGE AREA SELF-CLOSING 19.2(A)

5/2 MAKE EXTERIOR ENTRANCE DOOR TO COMMON CELLAR/STORAGE AREA SELF-LOCKING. 19.2(A)

6/2 M REPAIR STEPS. FRONT 6.4(A)

7/2 M R£PAIR MASONRY WALL FRONT 7.3(A)

8/2 REPAIR NON-INTERRUPTIBLE TO DAWN ILLUMINATION. 13.2(a)

CONTINUED PAGE 2 PLEASE READ REVERSE SIDE FOR ORDERS OF CODES AND STANDARDS

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
9/2	REPAIR CONICE	LEFT SIDE	7.3(A)
10/2	PAINT CORNICE	LEFT SIDE	7.3(A)
11/2	REPAIR CELLAR WINDOW	LEFT SIDE	7.3(B)
12/2	REPAR GUTTER	LEFT SIDE	7.5
13/2	REPAIR LEADER TO DIRECT STORM WATER WAY FROM FOUNDATION WALLS.	LEFT SIDE	7.5
14/2	REPAIR AND PAINT SOFFIT	LEFT SIDE	7.3
15/2	REMOVE ALL DEBRIS FROM PREMISES	REAR	6.4(A)
16/2	REMOVE ALL GARBAGE FROM PREMISES	REAR	6.4(A)
17/2	REMOVE ALL WEEDS FROM PREMISES	REAR	6.4(A)
18/2	M REAPIR MASONRY WALL	REAR	7.3(A)
19/2	REPAIR FENCE	REAR	7.3(A)
20/2	REMOVE ALL DEBRIS FROM PREMISES	RIGHT SIDE	6.4(A)
21/2.	REMOVE ALL GARAGE FROM PREMISES	RIGHT SIDE	6.4(A)
22/2	REMOVE ALL WEEDS FROM PREMISES	RIGHT SIDE	6.4(A)
23/2	REPAIR CORNICE	RIGHT SIDE	7.3(A)
24/2	PAINT CORNICE	RIGHT SIDE	7.3(A)
25/2	REPAIR CELLAR WINDOW	RIGHT SIDE	7.3(B)
26/2	REPAIR GUTTER	RIGHT SIDE	7.5
27/2	REPAIR LEADER TO DIRECT SRORM WATER AWAY FROM FOUNDATION WALLS.	RIGHT SIDE	7.5
28/2	REPAIR & PAINT SOFFIT	RIGHT SIDE	7.3
29/2	SECURE CRAWL SPACE	RIGHT SIDE	7.3
	COMMON AREAS		
30/2	REPAIR BUILDING ENTRANCE DOOR		8.4

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
31/2 ELIMINATE INTERIOR INFESATION OF INSECTS/RATS/PESTS	ATTIC		10.2
32/2 M REPAIR HANDRAIL FOR FULL LENGTH OF RUN ON EXIT STAIRWAYS WITH THREE OR MORE RISERS.	BASEMENT		4.11
33/2 M REPAIR A.C.POWERED AUTOMATIC FIRE ALRM AND SMOKE DETCTOR SYSTEM	BASEMENT		4.9
34/2 REMOVE RUBBISH AND DEBRIS FROM INTERIOR OF BUILDING	BOILER ROOM		6.4(A)
35/2 M REPAIR A.C. POWERED AUTOMATIC FIRE ALARM AND SMOKE DETECTOR SYSTEM	STAIRWAY		4.9
36/2 REPAIR REPLACE OR REMOVE FLOOR COVERING	STAIRWAY		8.3(A)
37/2 P PROVIDE NON-INTERRUPTIBLE ILLUMINATION SUFFICIENT FOR NORMAL ACTIVITIES.	STAIRWAY		13.3(A)
38/2 P PROVIDE NON-INTERRUPTIBLE ILLUMINATION SUFFICIENT FOR ORMAL ACTIVITIES.	VESTIBULE		13.3(A)
39/2 MAKE BUILDING ENTRANCE DOOR SELF-LOCKING	VESTIBULE		19.2(A)
40/2 MAKE BUILDING ENTRANCE DOOR SELF-LOCKING	VESTIBULE		19.2(A)
UNIT C	FLOOR 001		
41/2 REMOVE ILLEGAL EXTENSION CORDS			13.1(D)
42/2 PAINT WALLS.	BATH		8.2
43/2 PANT CEILING	BATH		8.2
44/2 M REPAIR OR REPLACE TILES	BATH		21.1(E)
45/2 CAULK TILES	BATH		21.1(E)
46/2 REMOVE ILLEGAL LIGHT FIXTURE	BEDROOM 1		13.1

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

47/2 M PROVIDE PHOTO- ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY. BLDG HALL 4.9

48/2 PAINT WALLS HALL 8.2

49/2 PAINT CEILING HALL 8.2

50/2 REMOVE ILLEGAL LIGHT FIXTURE LIVING RM 13.1

51/2 IDENTIFY DOOR LIVING RM 18.2

UNIT G FLOOR 001

52/2 PAINT ENTIRE DWELLING UNIT 8.2(C)

953/2 P REPAIR AND REPLACE MECHANICAL VENILATION BATH 16.3

54/2 REMOVE ILLEGAL LIGHT FIXTURE BEDROOM 1 13.1

55/2 M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY. BLDG. HALL 4.9

56/2 REMOVE ILLEGAL LIGHT FIXTURE LIVING ROOM 13.1

UNIT F FLOOR 2

57/2 P RPAIR OR REPLACE MECHANICAL VENTLATION BATH 16.3

58/2 REPAIR OR REPLACE FAUCET BATH 21.1(E)

59/2M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY. BLDG. HALL 4.9

60/2 IDENTIFY DOOR LIVING RM 18.2

UNIT H FLOOR 2

61/2 INSULATE BATHROOM/TOILET ROOM ELECTRICAL SWITCH. WALL PLATE AND SCREWS BATH 13.3(C)

LINE NUMBER	INSPECTION TYPE	CYCLICAL VIOLATIONS	CODE CITATIONS
62/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH		16.3
63/2 M REPAIR OR REPLCE TILES	BATH		21.1(E)
64/2 CAULK TILES	BATH		21.1(E)
65/2 REMOVE ILLEGAL LIGHT FIXTURE	BEDRM 1		13.1
66/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR	BLDG. HALL	PERMIT REQUIRED IF NOT BATTERY	4.9
67/2 REMOVE ILLEGAL LIGHT FIXTURE	KITCHEN		13.1
68/2 REPAIR OR REPLACE FAUCET	KITCHEN		21.1(E)
69/2 REMOVE ILLEGAL LIGHT FIXTURE	LIVING RM		13.1
70/2 REMOVE ILLEGAL EXTENSION CORDS	LIVING RM		13.1(D)
UNIT J	FLOOR 002		
71/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH		16.3
72/2 M REPAIR OR REPLACE TILES	BATH		21.1(E)
73/2 CAULK TILES	BATH		21.1(E)
74/2 M PROVIDE PHOTO ELECTRIC SMOKE DETECTOR	BLDG. HALL	PERMIT REQIRED IF NOT BATTERY	4.9
75/2 REPAIR A.C. WIRING	KITCHEN		13.1

NO ADMITTANCE GAINED TO THE FOLLOWING AREAS/UNITS - A. B. D. E. I.

'P' A CONSTRUCTION PERMIT IS REQUIRED FROM THE CONSTRUCTION OFFICIAL...
'M' A CONSTRUCTION PERMIT MAY ORMAY NOT BE REQUIRED CONTINGENT UPON THE EXTENT OF THE REQUIRD WORD TO ABATE THE CITED VIOLATION(S)....
END VIOLATION BLDG. 1
PARK COURT APARTMENTS - BLDG. 2. 395 PARK ST

EXTERIOR	LOCATION	
1/2 PAINT CORNICE		7.3(A)
2/2 M REPAIR ROOF		7.4
3/2 EMOVE ALL DEBRIS FROM PREMISES	LEFT SIDE	6.4(A)
4/2 M REAIR STEPS	LEFT SIDE	6.4(A)
5/2 REMOVE ALL GARBAGE FROM PREMISES	LEFT SIDE	6.4(A)
6/2 REMOVE ALL WEEDS FROM PREMISES	LEFT SIDE	6.4(A)
7/2 PAINT WOOD TRIM	LEFT SIDE	7.3(A)
8/2 PAINT ALL WOODWORK	LEFT SIDE	7.3(A)
9/2 REPAIR GUTTER	LEFT SIDE	7.5
10/2 REPAIR LEADER TO DIRECT STORM WATER WAY FROM FOUNDATION WALLS.	LEFT SIDE	7.5
11/2 SECURE CRAWL SPACE	LEFT SIDE	7.3
12/2 REPAIR FENCE	REAR	7.3(A)
13/2 REMOVE ALL DEBRIS FROM PREMISES	RIGHT SIDE	6.4(A)
14/2 REMOVE ALL GARB-AGE FROM PREMISES	RIGHT SIDE	6.4(A)
15/2 REMOVE ALL WEEDS FROM PREMISES	RIGHT SIDE	6.4(A)
16/2 PAINT WOOD TRIM	RIGHT SIDE	7.3(A)
17/2 M REPAIR MASONRY WALL	RIGHT SIDE	7.3(A)

LINE NUMBER INSPECTION TYPE CYCLICAL
VIOLATIONS CODE CITATIONS
18/2 PAINT ALL WOODWORK RIGHT SIDE 7.3(A)
19/2 REPAIR GUTTER RIGHT SIDE 7.5
20/2 REPAIR LEADER TO RIGHT SIDE 7.5
DIRECT STORM WATER AWAY FROM FOUNDATION
WALLS

COMMON AREAS

21/2 M REPAIR AND PAINT BASEMENT 8.2
CEILING
22/2 M REPAIR HANDRIAL STAIRWAY 4.11
FOR FULL LENGH OF RUN ON EXIT STAIRWAYS
WITH THREE OR MORE RISERS.
23/2 REPAIR . REPLACE STAIRWAY 8.3(A)
OR REMOVE FLOOR COVERING
24/2 MAKE BUILDING VESTIBULE 19.2(A)
ENTRANCE DOOR SELF-CLOSING
25/2 MAKE BUILDING VESTIBULE 19.2(A)
ENTRANCE DOOR SELF-LOCKING

UNIT A FLOOR 001

26/2 REMOVE ILLEGAL BEDROOM 13.1(D)
LIGHT FIXTURES
27/2 M PROVIDE BLDG. HALL 4.
PHOTO ELECTRIC SMOKE DETECTOR. PERMIT
REQUIRED IF NOT BATTERY.
28/2 REMOVE ILLEGAL LIVING RM. 13.1(D)
EXTENSION CORDS
29/2 INSTALL CHAIN GUARD LIVING RM. 19.2(A)
ON ENTRY DOORS

UNIT C FLOOR 001

30/2 REPAIR AND PAINT WALLS. BATH 8.2
31/2 M REPAIR AND PAINT CEILING BATH 8.2
32/2 M REPAIR AND REPLACE BATH 21.1(E)
TILES

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

33/2 CAULK TILES BATH 21.1(E)

34/2 M PROVIDE BLDG. HALL 4.9 PHOTO-ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY

UNIT G FLOOR 001

35/2 M REPAIR AND PAINT WALLS BATH 8.2

36/2 M REPAIR AND PAINT CEILING BATH 8.2

37/2 M REPAIR OR REPLACE FLOOR BATH 8.2

38/2 M REPAIR OR REPLACE FLOOR COVERING BATH 8.2

39/2 INSULATE BATHROOM/TOILET ROOM ELECTRICAL SWITCH. WALL PLATE AND SCREWS BATH 13.3(C)

40/2 P REPAIR OR REPLACE MECHANICAL VENTILATION BATH 16.3

41/2 M REPAIR OR REPLACE WASH BASIN IN BATHROOM BATH 21.1(A)

42/2 M REPAIR OR REPLACE TILES BATH 21.1(E)

43/2 CAULK TILES BATH 21.1(E)

44/2 REMOVE ILLEGAL LIGHT WIRING BEDROOM 1 13.1

45/2 M PROVIDE BLDG. HALL 4.9 PHOTO ELECTRIC SMOKE DETECTOR PERMIT REQUIRED IF NOT BATTERY

UNIT I FLOOR 001

46/2 ELIMINATE INTERIOR INFESTATION OF INSECTS/RATS/PESTS 10.2

47/2 M REPAIR AND PAINT CEILING BATH 8.2

LINE NUMBER INSPECTION TYPE CYCLICAL
VIOLATIONS CODE CITATIONS

48/2 P REPAIR OR BATH 16.3
REPLACE MECHANICAL VENTILATION
49/2 M REPAIR OR REPLACE TILES BATH 21.1(E)
50/2 CAULK TILES BATH 21.1(E)
51/2 M PROVIDE BLDG. HALL 4.9
PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT
REQUIRED IF NOT BATTERY
52/2 M REPAIR OR REPLACE KITCHEN 8.2
FLOOR COVERING
53/2 REMOVE ILLEGAL KITCHEN 13.1(D)
EXTENSION CORDS

UNIT B FLOOR 002
54/2 M REPAIR AND PAINT CEILING BATH 8.2
55/2 INSULATE BATH 13.3(C)
BATHROOM/TOILET ROOM ELECTRICAL SWITCH.
WALL PLATE AND SCREWS
56/2 P REPAIR OR REPLACE BATH 16.3
MECHANICAL VENTILATION.
57/2 M REAPIR OR REPLACE TILES BATH 21.1(E)
58/2 CAULK TILES BATH 21.1(E)
59/2 M REPAIR AND PAINT BEDROOM 8.2
CEILING
60/2 M REPAIR AND PAINT KITCHEN 8.2
CEILING
61/2 REPAIR THERMOSTAT LIVING RM 13.1
FOR HEATING UNIT

UNIT D FLOOR 002
62/2 INSULATE BATHROOM/ BATH 13.3(C)
TOILET ROOM ELECTRICAL SWITCH, WALL PLATE
AND SCREWS

LINE NUMBER VIOLATIONS	INSPECTION TYPE	CYCLICAL CODE CITATIONS
63/2 P REPAIR OR REPLACE MECHANICAL VENTILATION	BATH	16.3
64/2 REPAIR OR REPLACE FAUCET	BATH	21.1(E)
65/2 M REPAIR OR REPLACE TILES	BATH	21.1(E)
66/2 CAULK TILES	BATH	21.1(E)
67/2 PAINT WALLS	BEDROOM	8.2
68/2 PAINT CEILING	BEDROOM	8.2
69/2 REMOVE ILLEGAL EXTENSION CORDS	BEDROOM	13.1(D)
70/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY	BLDG. HALL	4.9
71/2 M REPAIR OR REPLACE ELECTRICAL LIGHT FIXTURE	KITCHEN	13.1(B)
72/2 REPAIR OR REPLACE FAUCET	KITCHEN	21.1(E)
UNIT H	FLOOR 002	
73/2 INSULATE BATHROOM/ TOILET ROOM ELECTRICAL SWITCH. WALLPLATE AND SCREWS	BATH	13.3(C)
74/2 M REPAIR OR REPLACE TILES	BATH	21.1(E)
75/2 CAULK TILES	BATH	21.1(E)
76/2 M PROVIDE PHOTO-ELECTRIC SMOKE DETECTOR. PERMIT REQUIRED IF NOT BATTERY	BLDG. HALL	4.9
77/2 REMOVE ILLEGAL LIGHT FIXTURE	LIVING ROOM	13.1
78/2 REMOVE ILLEGAL EXTENSION CORDS	LIVING ROOM	13.1(D)

LINE NUMBER INSPECTION TYPE CYCLICAL VIOLATIONS CODE CITATIONS

UNIT J FLOOR 002

79/2 ELIMIANTE INTERIOR 10.2
INFESTATION OF INSECTS/RATS/PESTS
80/2 M REPAIR AND PAINT WALLS BATH 8.2
81/2 M REPAIR AND PAINT CEILING BATH 8.2
82/2 P REPAIR OR BATH 16.3
REPLACE MECHANICAL VENTILATION
83/2 M REPAIR OR REPLACE TILES BATH 21.1(E)
84/2 CAULK TILES BATH 21.1(E)
85/2 PAINT WOODWORK BEDROOM 8.2
86/2 M PROVIDE BLDG. HALL 4.9
PHOTO ELECTRC SMOKE DETECTOR PEMIT
REQUIRED IF NOT BATTERY
87/2 M REPAIR OR REPLACE KITCHEN 8.2
FLOOR COVERING
88/2 M REPAIR OR REPLACE KITCHEN 21.1(E)
PLUMBING FIXTURE WASTE
89/2 REMOVE ILLEGAL LIVING ROOM 13.1
LIGHT FIXTURE
90/2 INSTALL CHAIN LIVING ROOM 19.2(A)
GUARD ON ENTRY DOOR(S)

NO ADMITTANCE GAINED TO THE FOLLOWING AREAS/UNITS: E, F

'P' A CONSTRUCTION PERMIT IS REQUIRED FROM THE CONSTRUCTION OFFICIAL...
'M' A CONSTRUCTION PERMIT MAY ORMAY NOT BE REQUIRED CONTINGENT UPON THE EXTENT OF THE REQUIRD WORD TO ABATE THE CITED VIOLATION(S)....
END VIOLATION BLDG. 2